

House Bill 117 (AS PASSED HOUSE AND SENATE)

By: Representatives Keen of the 179th, Burkhalter of the 50th, Morris of the 155th, Porter of the 143rd, and Hugley of the 133rd

A BILL TO BE ENTITLED
AN ACT

To amend the Official Code of Georgia Annotated so as to change references to certain committees of the Georgia Senate and House of Representatives in the Official Code of Georgia Annotated to conform such references to committee names as adopted by resolution by the Georgia Senate and the Georgia House of Representatives, respectively; to provide for editorial revision; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

The Official Code of Georgia Annotated is amended by striking from the following Code sections the phrases "Agriculture Committee of the Senate", "Senate Agriculture Committee", and "Committee on Agriculture of the Senate" wherever the same shall occur and inserting in lieu thereof the phrase "Senate Agriculture and Consumer Affairs Committee":

(1) Code Section 2-8-14, relating to the composition, appointments, memberships, and compensation of the agriculture commodity commissions;

(2) Code Section 4-15-1, relating to the establishment of a dog and cat reproductive sterilization support program; and

(3) Code Section 27-4-253, relating to the creation, membership, and operation of the Aquaculture Development Commission.

SECTION 2.

Code Section 2-7-113.1 of the Official Code of Georgia Annotated, relating to local regulation of pesticides and variances from regulations of the Commissioner of Agriculture, is amended by revising subsection (b) as follows:

"(b) The governing authority of any county or municipality may, by resolution, petition the Commissioner of Agriculture for a variance from a rule or regulation of the

Commissioner because of special circumstances relating to the use or application of a pesticide. If such a petition is received by the Commissioner, it shall be the duty of the Commissioner to notify the President of the Senate, the Speaker of the House of Representatives, and the ~~chairmen~~ chairpersons of the Agriculture and Consumer Affairs Committee and Natural Resources and the Environment Committee of the Senate and the Agriculture and Consumer Affairs Committee and the Natural Resources and Environment Committee of the House of Representatives that such petition has been received. The Commissioner shall conduct a public hearing on such petition and issue a decision on the requested variance within 60 days of the receipt of the petition. If a decision is not given within 60 days of the receipt of the petition, the variance shall automatically be granted. The Commissioner may grant a variance requested under this subsection with or without changes."

SECTION 3.

The Official Code of Georgia Annotated is amended by striking from the following Code section the phrase "Corrections, Correctional Institutions and Property Committee of the Senate" wherever the same shall occur and inserting in lieu thereof the phrase "Senate State Institutions and Property Committee":

(1) Code Section 42-5-53, relating to the establishment of county correctional institutions and the supervision and operation of such institutions.

SECTION 4.

The Official Code of Georgia Annotated is amended by striking from the following Code section the phrase "Senate Defense, Science and Technology Committee" wherever the same shall occur and inserting in lieu thereof the phrase "Senate Science and Technology Committee":

(1) Code Section 50-13-4, relating to the procedural requirements for adoption, amendment, or repeal of rules.

SECTION 5.

The Official Code of Georgia Annotated is amended by striking from the following Code sections the phrases "Senate Economic Development and Tourism Committee", "Senate Economic Development, Tourism, and Cultural Affairs Committee", "Economic Development, Tourism, and Cultural Affairs Committee of the Senate", and "Senate Committee on Economic Development and Tourism" wherever the same shall occur and inserting in lieu thereof the phrase "Senate Economic Development Committee":

(1) Code Section 10-9-20, relating to the creation and operation of the Geo. L. Smith II Georgia World Congress Center Authority Overview Committee;

(2) Code Section 10-10-7, relating to the publication of an annual report by the Advanced Technology Development Center;

(3) Code Section 12-3-318, relating to purposes for which income, gifts, grants, appropriations, bonds, or loans may be used by the Lake Lanier Islands Development Authority;

(4) Code Section 50-12-75, relating to the designation of overview committees to review and evaluate the Aviation Hall of Fame Board; and

(5) Code Section 50-27-34, relating to the legislative oversight committee for the Georgia Lottery Corporation.

SECTION 6.

The Official Code of Georgia Annotated is amended by striking from the following Code sections the phrase "Senate Education Committee" wherever the same shall occur and inserting in lieu thereof the phrase "Senate Education and Youth Committee":

(1) Code Section 20-2-285.1, relating to provisions applicable to third grade criterion-referenced reading assessment students; and

(2) Code Section 20-3-519.13, relating to the creation and reporting requirements of the HOPE/Pre-K Legislative Oversight Committee.

SECTION 7.

The Official Code of Georgia Annotated is amended by striking from the following Code sections the phrases "Education Committees of the House of Representatives and the Senate" and "House and Senate Education Committees" wherever the same shall occur and inserting in lieu thereof the phrase "House Education Committee and the Senate Education and Youth Committee":

(1) Code Section 20-2-212.3, relating to increasing teachers' salaries in areas of shortage and criteria for determining the shortages; and

(2) Code Section 20-3-250.5, relating to the administration and general powers and duties of the Nonpublic Postsecondary Education Commission.

SECTION 8.

The Official Code of Georgia Annotated is amended by striking from the following Code sections the phrases "Appropriations and Education committees of the House of Representatives and the Senate", "Education and Appropriations committees of the House of Representatives and the Senate of the General Assembly", and "Appropriations and

Education committees of the House of Representatives and Senate of the General Assembly" wherever the same shall occur and inserting in lieu thereof the phrase "Appropriations Committees of the House of Representatives and the Senate, the House Education Committee, and the Senate Education and Youth Committee":

- (1) Code Section 20-2-250, relating to projects to improve effectiveness;
- (2) Code Section 20-2-260, relating to capital outlay funds generally; and
- (3) Code Section 20-2-321, relating to expense record requirements.

SECTION 9.

The Official Code of Georgia Annotated is amended by striking from the following Code sections the phrase "House and Senate Education Committees" wherever the same shall occur and inserting in lieu thereof the phrase "House Education Committee, the Senate Education and Youth Committee":

- (1) Code Section 49-5-224, relating to the submission of an annual report by the commissioner of human resources; and
- (2) Code Section 49-5-227, relating to the Children and Youth Coordinating Council to comment and provide recommendations on the plan for the Coordinated System of Care.

SECTION 10.

Title 20 of the Official Code of Georgia Annotated is amended in Code Section 20-14-27, relating to required reports by the Office of Student Achievement, by revising subsection (b) as follows:

"(b) Each report provided for in this Code section shall be published in a format that can be easily understood by parents and other members of the community who are not professional educators. Such reports shall be distributed to the Governor, Lieutenant Governor, the Speaker of the House of Representatives, the chairpersons of the ~~Education and Higher Education~~ committees of the Senate and House of Representatives, the House Education Committee, and the Senate Education and Youth Committee, members of the state education governing boards or commissions, and members of the council. The office shall not be required to distribute copies of such reports to the members of the General Assembly but shall notify such members of the availability of the reports in the manner which it deems to be most effective and efficient. In addition, such reports shall be posted on the website of the office."

SECTION 11.

The Official Code of Georgia Annotated is amended by striking from the following Code sections the phrases "Senate Finance and Public Utilities Committee", "Finance and Public

127 Utilities Committee of the Senate", and "Finance and Public Utilities Committee of the
128 Georgia Senate" wherever the same shall occur and inserting in lieu thereof the phrase
129 "Senate Finance Committee":

- 130 (1) Code Section 36-81-8, relating to annual local government finances reports and local
131 independent authority indebtedness reports;
132 (2) Code Section 48-5-349.5, relating to an annual report on examination of county tax
133 digests; and
134 (3) Code Section 50-16-34, relating to the powers and duties of the State Properties
135 Commission.

136 **SECTION 12.**

137 The Official Code of Georgia Annotated is amended by striking from the following Code
138 sections the phrases "Finance and Public Utilities Committee of the Senate" and "Finance
139 and Public Utilities Committee of the Georgia Senate" wherever the same shall occur and
140 inserting in lieu thereof the phrase "Senate Regulated Industries and Utilities Committee":

- 141 (1) Code Section 46-2-23, relating to rate-making power of the Public Service
142 Commission generally; and
143 (2) Code Section 46-10-3, relating to the creation of consumers' utility counsel and the
144 appointment, qualifications, and compensation thereof.

145 **SECTION 13.**

146 The Official Code of Georgia Annotated is amended by striking from the following Code
147 sections the phrases "Natural Resources Committee of the Senate", "Senate Natural
148 Resources Committee", "Georgia Senate Natural Resources Committee", and "Senate
149 Committee on Natural Resources" wherever the same shall occur and inserting in lieu thereof
150 the phrase "Senate Natural Resources and the Environment Committee":

- 151 (1) Code Section 12-5-327, relating to the duty of the Department of Natural Resources
152 to prepare a document reflecting the Georgia coastal management program for
153 submission to the Governor;
154 (2) Code Section 12-5-443, relating to a comprehensive land and water use plan;
155 (3) Code Section 12-5-580, relating to the creation of coordinating committees by the
156 Metropolitan North Georgia Water Planning District Governing Board;
157 (4) Code Section 12-5-581, relating to the creation of advisory councils by the
158 Metropolitan North Georgia Water Planning District Governing Board;
159 (5) Code Section 12-5-586, relating to an annual report detailing activities of the
160 Metropolitan North Georgia Water Planning District; and
161 (6) Code Section 12-11-11, relating to the Conservation Corps Advisory Council.

SECTION 14.

The Official Code of Georgia Annotated is amended by striking from the following Code sections the phrase "Senate Committee on Health and Human Services" wherever the same shall occur and inserting in lieu thereof the phrase "Senate Health and Human Services Committee":

(1) Code Section 49-5-224, relating to reporting with respect to severely troubled children and adolescents; and

(2) Code Section 49-5-227, relating to the Children and Youth Coordinating Council to comment and provide recommendations on the plan for the Coordinated System of Care.

SECTION 15.

The Official Code of Georgia Annotated is amended by striking from the following Code sections the phrases "Industry Committee of the House of Representatives", "Industry Committee of the Georgia House of Representatives", and "House Committee on Industry" wherever the same shall occur and inserting in lieu thereof the phrase "House Energy, Utilities and Telecommunications Committee":

(1) Code Section 46-2-23, relating to the rate-making power of the Public Service Commission generally;

(2) Code Section 46-10-3, relating to the creation of consumers' utility counsel and the appointment, qualifications, and compensation thereof; and

(3) Code Section 50-13-4, relating to the procedural requirements for adoption, amendment, or repeal of rules.

SECTION 16.

The Official Code of Georgia Annotated is amended by striking from the following Code sections the phrases "Industry Committee of the House of Representatives" and "House Committee on Industry" wherever the same shall occur and inserting in lieu thereof the phrase "House Economic Development and Tourism Committee":

(1) Code Section 50-5-124, relating to reports required of an advisory council to the Department of Administrative Services; and

(2) Code Section 50-12-75, relating to the designation of overview committees to review and evaluate the Aviation Hall of Fame Board.

SECTION 17.

The Official Code of Georgia Annotated is amended by striking from the following Code section the phrase "Journals Committee of the House of Representatives" wherever the same shall occur and inserting in lieu thereof the phrase "House Information and Audits Committee":

(1) Code Section 28-1-8, relating to salary and allowances of members and officers of the General Assembly.

SECTION 18.

Code Section 9-10-150 of the Official Code of Georgia Annotated, relating to grounds for continuance for a party or attorney in the General Assembly, is amended as follows:

"9-10-150.

A member of the General Assembly who is a party to or the attorney for a party to a case, or any member of the staff of the Lieutenant Governor, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the Speaker Pro Tempore of the House of Representatives, or the chairperson of the Judiciary Committee or Special Judiciary Committee of ~~either~~ the Senate or of the Judiciary Committee or Judiciary, Non-civil Committee of the House of Representatives who is the lead counsel for a party to a case pending in any trial or appellate court or before any administrative agency of this state, shall be granted a continuance and stay of the case. The continuance and stay shall apply to all aspects of the case, including, but not limited to, the filing and serving of an answer to a complaint, the making of any discovery or motion, or of any response to any subpoena, discovery, or motion, and appearance at any hearing, trial, or argument. Unless a shorter length of time is requested by the member, the continuance and stay shall last the length of any regular or extraordinary session of the General Assembly and during the first three weeks following any recess or adjournment including an adjournment sine die of any regular or extraordinary session. A continuance and stay shall also be granted for such other times as the member of the General Assembly or staff member certifies to the court that his or her presence elsewhere is required by his or her duties with the General Assembly. Notwithstanding any other provision of law, rule of court, or administrative rule or regulation, the time for doing any act in the case which is delayed by the continuance provided by this Code section shall be automatically extended by the same length of time as the continuance or stay covered."

SECTION 19.

Code Section 15-5-21 of the Official Code of Georgia Annotated, relating to promulgation of rules relating to transcripts and court reporters' fees, is amended by revising subsection (d) as follows:

"(d) A rule or regulation promulgated by the Judicial Council pursuant to this Code section shall not become effective unless that council provides to the chairperson of the Judiciary Committee of the House of Representatives, the chairperson of the ~~Special~~ Non-civil Judiciary Committee of the House of Representatives, the chairperson of the Judiciary Committee of the Senate, and the chairperson of the Special Judiciary Committee of the Senate, at least 30 days prior to the date that council intends to adopt such rule or regulation, written notice which includes an exact copy of the proposed rule or regulation and the intended date of its adoption. After July 1, 1986, no rule or regulation adopted by the Judicial Council pursuant to this Code section shall be valid unless adopted in conformity with this subsection. A proceeding to contest any rule or regulation on the grounds of noncompliance with this subsection must be commenced within two years from the effective date of the rule or regulation."

SECTION 20.

This Act is intended to reflect the current internal organization of the Georgia Senate and House of Representatives and is not otherwise intended to change substantive law. In the event of a conflict with any other Act of the 2009 General Assembly, such other Act shall control over this Act.

SECTION 21.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 22.

All laws and parts of laws in conflict with this Act are repealed.